



U.S. Customs and  
Border Protection

DIS-3-OT:RR:FAPL  
CBP-AP-2019-075173ptl

September 30, 2019

Ms. Emma Best  
MuckRock News  
411A Highland Avenue  
Somerville, MA 02144-2516

RE: Freedom of Information Act Appeal; UAV Liaison Programs;  
CBP-OAM-2018-086055; CBP-2018-086055;  
CBP-AP-2019-054732

Dear Ms. Best:

This is our decision on the appeal you filed with U.S. Customs and Border Protection (CBP) through the FOIA Online portal regarding the reply you received from our office regarding your earlier appeal. Your first appeal had asserted that the CBP FOIA Division had failed to conduct a proper search for records. You had asked for "memos, emails, letters and reports relating to or mentioning liaising on UAV programs between any combination of the FBI, DHS, and CBP, including but not limited to training and the loan of any UAVs such as (but not limited to) the MQ-9 Predator as described in the attached email released through FOIA." The CBP FOIA Division responded to this request stating that they had been unable to locate any responsive records. You appealed this response stating that you appeal the integrity of the search.

Upon receipt of your appeal, our office reviewed the file created by the CBP FOIA Division when it processed your initial request. We also contacted the CBP Office of Air and Marine (OAM), which is the office responsible for operation of UAVs and asked that they perform another search for responsive records. The response we received from the OAM is that "the NASO (National Air Security Operations) does not have any record of the training mentioned in the email or anything related to FBI small UAS."

Our office wrote to you, asking if you could both narrow the time frame of the request and be more specific about the particular information you were

seeking. You did not respond to this request and, accordingly, our office closed the appeal.

You have appealed again. This time you say that you did respond to our request for clarification of both the scope and timeframe of your request. In your most recent appeal, you ask that responsive records created after the date of the email you included with your initial request be provided (1 July 2011).

Using this date, we again requested that the CBP OAM ask all their operational offices review their archives and conduct another search for records. OAM has responded to this saying that they have done as we requested and again asked all offices which could have responsive records to search for any responsive records. OAM says it has received the same answer that no records could be located or identified. Accordingly, because we have once again not located any CBP records responsive to your request, we are again affirming the decision of the CBP FOIA Division.

In the event that you are dissatisfied with the disposition of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. §552(a)(4)(B) in the United States District Court in the District in which your client resides, in the District where the agency records are situated, or in the United States District Court for the District of Columbia.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. The mailing address and contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road (OGIS), College Park, MD 20740-6001, Phone 202-741-5770, Fax 202-741-5769, Toll Free 1-877-684-6448, [www.archives.gov/ogis](http://www.archives.gov/ogis).

Sincerely,

*Shari Suzuki*

Shari Suzuki, Chief  
FOIA Appeals, Policy & Litigation Branch